# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 23814 PROJECT LOCATION INFORMATION: Texas County: Willacy Center coordinates of site (latitude/longitude): 26 33 10.0314; 97 25 44.1713 Approximate size of area (parcel) reviewed, including uplands: 0.5 acre. Name of nearest waterway: GIWW Name of watershed: Laguna Madre JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 27 May 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the or the content of the con United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.032 acre. III There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_\_\_\_\_, There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Waters of the Small Boat Harbor are tidally influenced via the harbor's connection to the Laguna Madre.

FILE NUMBER: 23814

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Mansfield, TX.  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Mansfield, TX.  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: (Date)  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 23821

PRO	JECT I	OCATION	INFODM	ATION.

State: Texas County: Aransas

Center coordinates of site (latitude/longitude): 28-5-5.9900 97-4-17.0240
Approximate size of area (parcel) reviewed, including uplands: approximately 0.056 acres.

Name of nearest waterway: Copano Bay Name of watershed: Aransas River

JURISDICTIONAL	DETERMINATION
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(	Completed:	Desktop determination	Ø	Date: 3 June 2005
		Site visit(s)	112	Date(s):
,	Jurisdictions	al Determination (JD):		
	United S	ary JD - Based on available states" and/or "navigable water 33 CFR part 331).	e information aters of the I	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
į	Approve Check al	ed JD – An approved JD is a ll that apply:	an appealabl	e action (Reference 33 CFR part 331).
	There the revie	e are "navigable waters of tweed area. Approximate size	the United S te of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: approximately 0.056 acre.
	There reviewed	e are "waters of the United area. Approximate size of	States" (as fjurisdiction	defined by 33 CFR part 328 and associated guidance) within the hal area:
	There	e are "isolated, non-naviga  Decision suppor	ble, intra-storted by SWA	ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.

## BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

  (2) The presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in Copano Bay which is a navigable water and subject to the ebb and flow of the tide.

FILE NUMBER: 23821

Late	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ deference: 33 CFR parts 328 and 329)  High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
氢	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey: Aransas County  National wetlands inventory maps: Rockport  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 23819

PROJECT	LOCATION	<b>INFORMA</b>	TION:
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State:

Texas

County:

Aransas

Center coordinates of site (latitude/longitude):

29-52-54.9538 97-3-49.1036

Approximate size of area (parcel) reviewed, including uplands: approximately 0.026 acres.

Name of nearest waterway: Copano Bay Name of watershed: Aransas River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 3 June 2005

Site visit(s)

Date(s):

Jurisdict	tional D	atarmina	tion .	(TD)

Jur	isdictional Determination (JD):
8	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 0.026 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in Copano Bay which is a navigable water and subject to the ebb and flow of the tide.

FILE NUMBER: 23819

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
238	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Aransas County  National wetlands inventory maps: Rockport  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RCC** FILE NUMBER: SWG-05-14-013

PROJECT LOCATION INFORMATION	PRO	DJECT	LOCATION	INFORMATION
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State: Texas County: Cameron

Center coordinates of site (latitude/longitude): N25-58-17/W97-32-12 Approximate size of area (parcel) reviewed, including uplands: 33 acres.

Name of nearest waterway: Resaca del Rancho Viejo

Name of watershed: Rio Grande

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Completed: Desktop determination Date: 2 June 2005 Site visit(s) Date(s): 7 May 2003

Jurisdictional	Determination	(JD):

ablem.	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.5 acres.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328 3(a) as "suata

D.	waters defined under 35 CFR part 328.5(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
<b>*</b>	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
313	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
M	(5) The presence of a tributary to a water identified in (1) (4) shows

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Resaca del Rancho Viejo outfalls into the Brownsvill Ship Channel via San Martin Lake.

FILE NUMBER: SWG-05-14-013

Late	cral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>3</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: $S\&B$ Infrastructure, Ltd, dated March 2003.
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  □ This office concurs with the delineation report, dated March 2003, prepared by (company): S&B Infrastructure,  □ This office does not concur with the delineation report, dated , prepared by (company):  □ Data sheets prepared by the Corps.  □ Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: West Brownsville, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey: provided by S&B Infrastructure, Ltd.  National wetlands inventory maps: provided by S&B Infrastructure, Ltd.  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): provided by S&B Infrastructure, Ltd.  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 7 May 2003  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17318

<b>PROJECT</b>	LOCATION	INFORMATION:
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State:

Texas

County:

Nueces

Center coordinates of site (latitude/longitude):

N27-51-20/W97-35-18

Approximate size of area (parcel) reviewed, including uplands: 1.7 acres.

Name of nearest waterway: Nueces River Name of watershed: Nueces River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 26 May 2005

Site visit(s)

Date(s): 26 May 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
, F/,

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Market There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 435 sf.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 435 sf.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

$\boxtimes$	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
£	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
1177 1177 1177	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
23 ki	(6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

determination: Nueces River on list of Navigable Waters; outfalls into Nueces Bay.

FILE NUMBER: D-17318

Late	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATAI	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
DATA J	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: 2 September 1971 Galveston District List of Navigable Waters of the US  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2002 DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 26 May 2005  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RCC** 

FILE N	UMBER:	D-17330				
Sta Cor Cer Apj Nar	te: unty: nter coordi proximate	Texas Nueces nates of s size of are	nFORMATIO ite (latitude/lo ea (parcel) rev way: Laguna M Laguna Mad	ngitude): riewed, inclu Madre	ıding	N27-36-36/W97-17-53 guplands: 0.5 acres.
			ERMINATIO determination t(s)			Date: 2 June 2005 Date(s):
Jur	isdictiona	l Determ	ination (JD):			
220	United St	tates" and	Based on avail l/or "navigable R part 331).	able informa waters of the	ition, he U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	Approved Check all	d JD – Ar l that appl	approved JD y:	is an appeal	lable	action (Reference 33 CFR part 331).
	There	are "nav wed area.	igable waters Approximate	of the United size of juris	d Sta sdicti	ites" (as defined by 33 CFR part 329 and associated guidance) within onal area: 0.1 acre.
	■ There reviewed	are "wat area. Ap	ers of the Uni proximate siz	ted States" ( e of jurisdict	(as d tiona	efined by 33 CFR part 328 and associated guidance) within the 1 area: 0.1 acre.
	E There	are "isoi 🖽	lated, non-nav Decision sup Jurisdiction.	igable, intra pported by S	i-stai WAl	e waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters d The prese	lefined un ence of wa	iters that are s	part 329 as ubject to the	"na ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B. 	(1) The printerstate (2) The printerstate (3) The printerstate, and flats, destruction (i) w (ii) fi	resence of or foreign resence of wetlands on of which are communications.	f waters, which commerce, if interstate was f other waters, sloughs, praich could affect or could be used fish or shell:	h are current neluding all ters includin such as intra rie potholes, interstate co ed by interstat fish are or co	tly use water ig intra astate, wet ommate or ould	"waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> . e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of Laguna Madre.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17330

Lat	ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank   High Tide Line indicated by:   Image: clear, natural line impressed on the bank   Image: clear, natural line indicated by:   Image: clear, natural line indicate
×	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: September 1971 Galveston District List of Navigable Waters of the US  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Pita Island, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2002 DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-17317

	CT LOCATION INFORMATION:					
Cer Ap Na	te: Texas unty: Cameron nter coordinates of site (latitude/longitud proximate size of area (parcel) reviewed me of nearest waterway: Lower Laguna me of watershed: Laguna Madre	, including	N 26.07236 W 97.16534 uplands: 1.0 acres.			
	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)	盛	Date: 5/31/05 Date(s):			
Jur	isdictional Determination (JD):					
×	Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331).	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
25	Approved JD – An approved JD is an a Check all that apply:	ppealable	action (Reference 33 CFR part 331).			
	There are "navigable waters of the the reviewed area. Approximate size of	United Sta f jurisdicti	tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:			
	There are "waters of the United Stareviewed area. Approximate size of ju	tes" (as d risdictiona	efined by 33 CFR part 328 and associated guidance) within the l area:			
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
	Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use to the past of the past	29 as "nato the ebb	and flow of the tide and/or are presently used, or have been used in			
	(1) The presence of waters, which are conterstate or foreign commerce, including (2) The presence of interstate waters incommerce, including (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect inters (i) which are or could be used by inguity (iii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water (6) The presence of wetlands adjacent <sup>2</sup>	urrently using all water cluding into a intrastate tholes, wet tate communiterstate or could industrial defined as er identified to other water to other water all water identified to other water all water identified to other water all water identified to other water identified in the ident	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. erstate wetlands <sup>1</sup> . e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. See taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. d in (1) – (4) above.			
Rati	ionale for the Basis of Jurisdictional D	eterminat	ion (applies to any boxes checked above). If the jurisdictional			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17317

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other:
盡	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
76.24 27.25 27.25	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
図	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Isabel, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Isabel, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23774

ECT LOCA	TION INCODE ATIO				
ate: bunty: enter coordi oproximate ume of near	size of area (parcel) rev est waterway: Port Bay	ngitude): iewed, includin	N 28.01175 W 97.14675 g uplands: 1000 acres.		
			Date: 6/1/2005 Date(s):		
risdictiona	l Determination (JD);				
Prelimina United S	ary JD - Based on availa tates" and/or "navigable	able information waters of the U	n, there appear to be (or) there appear to be no "waters of the Jnited States" on the project site. A preliminary JD is not appealable		
Approved Check all	d JD – An approved JD l that apply:	is an appealable	e action (Reference 33 CFR part 331).		
There	e are "navigable waters of wed area. Approximate	of the United St size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 3.0 acres.		
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 170 acres.					
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination Jurisdiction.					
Waters d The prese	lefined under 33 CFR   ence of waters that are su	part 329 as "na object to the ebb	and flow of the tide and/or are presently used, or have been used in		
(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (i) w (ii) friction (iii) w (4) Impour (5) The printerstate (6) The printerstate (1) The printerstate (2) The printerstate (3) The printerstate (4) Impour (5) The printerstate (6) The printerstate (7) The printerstate (8) The printerstate (9) The printerstate (1) The printerstate (1) The printerstate (1) The printerstate (2) The printerstate (3) The printerstate (4) Impour (5) The printerstate (6) The printerstate (6) The printerstate (6) The printerstate (6) The printerstate (7) The printerstate (8) The printerstate (9) The printerstate (10) The printers	resence of waters, which or foreign commerce, in resence of interstate wat resence of other waters; wetlands, sloughs, prain on of which could affect thich are or could be use from which fish or shellf which are or could be us andments of waters other resence of a tributary to resence of territorial sea	n are currently to neluding all waters including in such as intrasta- rie potholes, we interstate commend by interstate of ish are or could sed for industria- rwise defined a a water identifis.	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It purposes by industries in interstate commerce. It purposes that the US.		
	protection and control of the protection and completed:  prelimin United S (Referen Approve Check al There reviewed The reviewed The press the past, waters of (1) The pinterstate (2) The pinterstate (3) The pinterstate (4) Important (5) The pinterstate (6) The pinterstate (7) The pinterstate (8) The pinterstate (9) The pinterstate (1) The pinte	enter coordinates of site (latitude/los opproximate size of area (parcel) reveated of nearest waterway: Port Bay ame of watershed: Copano Bay ame of watershed: Desktop determination Site visit(s)  Preliminary JD - Based on availate United States' and/or "navigable (Reference 33 CFR part 331).  Approved JD - An approved JD Check all that apply:  There are "navigable waters of the Uniter reviewed area. Approximate size approximate size are "isolated, non-naving Decision sup Jurisdiction.  OF JURISDICTIONAL DETER Waters defined under 33 CFR and the past, or may be susceptible for waters defined under 33 CFR (1) The presence of waters that are so the past, or may be susceptible for waters defined under 33 CFR (1) The presence of other waters and sandflats, wetlands, sloughs, prain destruction of which could affect (i) which are or could be use (ii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (5) The presence of territorial sea	enter coordinates of site (latitude/longitude): oproximate size of area (parcel) reviewed, including time of nearest waterway: Port Bay time of watershed: Copano Bay  DICTIONAL DETERMINATION ompleted: Desktop determination Site visit(s)  risdictional Determination (JD):  Preliminary JD - Based on available information United States" and/or "navigable waters of the United States" and/or "navigable waters of the United States and/or "navigable waters of the United States and/or "navigable waters of the United States and that apply:  There are "navigable waters of the United States are viewed area. Approximate size of jurisdiction.  There are "waters of the United States" (as a reviewed area. Approximate size of jurisdiction.  There are "isolated, non-navigable, intra-state are "isolated, non-navigable, intra-state are defined under 33 CFR part 329 as "nate presence of waters that are subject to the ebit the past, or may be susceptible for use to transport waters defined under 33 CFR part 328.3(a) at (1) The presence of waters, which are currently interstate or foreign commerce, including all waters defined under 33 CFR part 328.3(a) at (1) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate commercial (i) which are or could be used by interstate (ii) from which fish or shellfish are or could (iii) from which fish or shellfish are or could		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 23774** 

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by:  ⊠ survey to available datum; ⊠ physical markings; ⊠ vegetation lines/changes in vegetation types.
X	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA 图	This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Bayside, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Bayside, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 14392(05)/1968

PROJE	ECT LOCATION IN	NFORMATION:		
St	ate: Texas			
	ounty: Aransas			
Ce	nter coordinates of s	ite (latitude/longitud	e):	N 28.04630 W 97.02815
Ap	proximate size of are	ea (parcel) reviewed,	including	uplands: 0.2 acres.
Na	me of nearest waterv	vay: Aransas Bay	•	, 1
	me of watershed:	Aransas Bay		
		•		
<b>JURIS</b>	DICTIONAL DETE	RMINATION		
Co	mpleted: Desktop	determination	×	Date: 31 May 2005
	Site visit	t(s)	⊠ ⊡	Date(s):
		(5)	Link	Date(3).
Ju	risdictional Determi	` ′		
135	Preliminary JD - B	ased on available in	formation,	there appear to be (or) $\square$ there appear to be no "waters of the
	United States" and	/or "navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFF	R part 331).		
$\boxtimes$	• •		ppealable	action (Reference 33 CFR part 331).
	Check all that appl	y:		
	*****			
	🔀 There are "nav	igable waters of the	United Sta	ites" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area.	Approximate size o	f jurisdicti	ional area: 2500 square feet.
	_			
	There are "wat	ers of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Ap	proximate size of ju-	risdictiona	ıl area:
	Inere are "isol	ated, non-navigable	intra-stat	te waters or wetlands" within the reviewed area.
		Decision supported	by SWAI	NCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.		
DACIC	OF HIDIODICTIO	MAT DESCRIPTION OF THE	mro	
	OF JURISDICTION			
A.	waters defined uf	ider 33 CFR part 3	29 as "na	vigable waters of the United States":
×	The presence of wa	iters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
	the past, or may be	susceptible for use i	o transpor	t interstate or foreign commerce.
D	W-4 3.C 3	.d. 41 CED	20.27.	
B.	(1) The manner of	ider 33 CFR part 3	28.3(a) as	"waters of the United States":
2333	(1) The presence of	waters, which are c	urrently u	sed, or were used in the past, or may be susceptible to use in
Earl	interstate or foreign	i commerce, includii	ng all wate	ers which are subject to the ebb and flow of the tide.
<u> 33</u>	(2) The presence of	f interstate waters in	cluding in	terstate wetlands'.
لثنا	(3) The presence of	other waters such a	s intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,
	sandriats, wetlands	, sloughs, prairie poi	holes, wet	meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of whic	n could affect inters	tate comm	erce including any such waters (check all that apply):
	(i) which are o	or could be used by in	iterstate of	r foreign travelers for recreational or other purposes.
	(II) from which	n fish of shellfish are	or could	be taken and sold in interstate or foreign commerce.
ice 1	(III) which are	or could be used for	industrial	purposes by industries in interstate commerce.
	(4) impoundments	of waters otherwise	detined as	waters of the US.
		f a tributary to a water	er identifie	ed in $(1) - (4)$ above.
	(6) The presence of	territorial seas.		
:4X :4X	(/) The presence of	wetlands adjacent	to other w	aters of the US, except for those wetlands adjacent to other wetlands.
Ra	tionale for the Basis	of Jurisdictional D	etermina	tion (annlies to any hoves checked above). If the invindictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 14392(05)/1968

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 32	.8 and 329)
额	Ordinary High Water Mark indicated by:	High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
		other:
	shelving	oner.
	other:	
100	And the second s	
DXI	Mean High Water Mark indicated by:	1totion lines/shanges in vagatation types
	Survey to available datum;  physical markings;  physical markings;  □	I vegetation lines/changes in vegetation types.
圍	Watland houndaries as shown on the attached wetland d	lelineation map and/or in a delineation report prepared by: NWI
	wended boundaries, as shown on the attached wendere	ometical map and of ma a comment of the property of
Bas	is For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the bas	is of 33 CFR part 328.3(a)(3).
2 (40°) 1-10° 1-10°	The Corps has made a case-specific determination that the	he following waters present on the site are not Waters of the
******	United States:	
	Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to	upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating	and/or diking dry land to collect and
	retain water and which are used exclusively for s	such purposes as stock watering, irrigation, settling basins, or
		ten purposes as stock watering, misanen, severage assure,
	rice growing.  Artificial reflecting or swimming pools or other	amall arramental hadies of water created
	Artificial reflecting or swimming pools or other	struction for primarily postbatic rescans
	by excavating and/or diking dry land to retain w	dental to construction activity and nits averaged in dry land for
	Water-filled depressions created in dry land inci-	dental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unit	ess and until the construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to inte	rstate commerce.
	Prior converted cropland, as determined by the N	Natural Resources Conservation Service. Explain rationale:
	The second secon	day de land Fundain nationales
	Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale.
	Other (explain):	
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINA	TION (mark all that apply):
X	Maps, plans, plots or plat submitted by or on behalf of the	he applicant.
南	Data sheets prepared/submitted by or on behalf of the ap	oplicant.
1	This office concurs with the delineation report, date	d , prepared by (company):
	This office does not concur with the delineation rep	
m	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
444	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps:	Rocknort TX
	U.S. Geological Survey 7.5 Minute Topographic maps.	Rockport, 17
Щ	U.S. Geological Survey 7.5 Minute Historic quadrangle	5. 
20	U.S. Geological Survey 15 Minute Historic quadrangles	ı <b>.</b>
	USDA Natural Resources Conservation Service Soil Su	rvey:
X	National wetlands inventory maps: Rockport, TX	
	State/Local wetland inventory maps:	
ii?	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date): GLO 2002	
38	Other photographs (Date):	
G.	Advanced Identification Wetland maps:	
Ŧ	Site visit/determination conducted on:	
	Applicable/supporting case law:	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17313

PROJE	CT LOCATION INI	FORMATION:		
Sta				
	unty: Hidalgo			
	nter coordinates of site			N 26.14443 W 98.22305
	proximate size of area			uplands: 20 acres.
	me of nearest waterwa		odway	
Na	me of watershed:	Rio Grande		
	DICTIONAL DETER			
Co	mpleted: Desktop d	etermination	×	Date: 6/1/2005
	Site visit(s	s)		Date(s):
Jui	risdictional Determin	ation (JD):		
		` /	^	
×	United States" and/o (Reference 33 CFR)	or "navigable water	tormation, s of the U	☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
翻	Approved JD – An a Check all that apply:	approved JD is an a	ppealable	action (Reference 33 CFR part 331).
	There are "navig the reviewed area. A	able waters of the Approximate size of	United Sta f jurisdicti	ttes" (as defined by 33 CFR part 329 and associated guidance) within onal area:
	There are "water reviewed area. Appr	rs of the United Star roximate size of jur	tes" (as de isdictiona	efined by 33 CFR part 328 and associated guidance) within the l area:
		ted, non-navigable, Decision supported Jurisdiction.	intra-stat by SWAN	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	The presence of water	ler 33 CFR part 32 ers that are subject t	29 as "nav	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
В.	Waters defined und	ler 33 CFR part 32	28.3(a) as	"waters of the United States": sed, or were used in the past, or may be susceptible to use in
tiil	interstate or foreign	commerce includir	no all wate	ers which are subject to the ebb and flow of the tide.
ŠŠ	(2) The presence of i	nterstate waters inc	cluding int	rerstate wetlands
<b>E</b>	(3) The presence of o	other waters such as	s intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,
-	sandflats, wetlands, s	sloughs, prairie pot	holes, wet	meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which	could affect interst	ate comm	erce including any such waters (check all that apply):
	(i) which are or	could be used by ir	iterstate oi	r foreign travelers for recreational or other purposes.
	☐ (ii) from which	fish or shellfish are	or could l	be taken and sold in interstate or foreign commerce.
	(iii) which are o	r could be used for	industrial	purposes by industries in interstate commerce.
1721	(4) Impoundments of	f waters otherwise of	defined as	waters of the US.
	(5) The presence of a		r identifie	d in (1) – (4) above.
	(6) The presence of t	erritorial seas.		
158	(/) The presence of v	wetlands adjacent <sup>2</sup> t	o other wa	aters of the US, except for those wetlands adjacent to other wetlands.
Rat	ionale for the Basis o	f Jurisdictional D	eterminat	tion (annlies to any hoves checked above). If the invindictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17313

Late	ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank   High Tide Line indicated by:   Oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:   Other:										
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.										
器	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NW										
Bas	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).										
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Pharr, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Pharr, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):										

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 13639(06)

Sta Co Ce Ap Na	te: Texas unty: Galveston nter coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed me of nearest waterway: Gulf Intracoast me of watershed: Gulf Intracoastal	l, including al Waterw	UTM 15 333547E 3256292N (NAD27) Flake quadrangle guplands: acres.
JURISI Co.	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)	X D	Date: 31 May 2005 Date(s):
	risdictional Determination (JD):  Preliminary JD - Based on available in United States" and/or "navigable wate (Reference 33 CFR part 331).	nformation, rs of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	Approved JD – An approved JD is an check all that apply:	appealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the the reviewed area. Approximate size of	United Sta of jurisdicti	ites" (as defined by 33 CFR part 329 and associated guidance) within onal area:
	There are "waters of the United Stareviewed area. Approximate size of ju	ites" (as de risdictiona	efined by 33 CFR part 328 and associated guidance) within the l area:
	There are "isolated, non-navigable Decision supported Jurisdiction.	, <i>intra-stat</i> I by SWAN	e waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	PF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use	29 as "nay to the ebb	and flow of the tide and/or are presently used, or have been used in
	interstate or foreign commerce, including (2) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect interstation (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water (6) The presence of territorial seas.	urrently us ang all water cluding into s intrastate holes, wet tate commenterstate or or could b industrial defined as ar identified	ed, or were used in the past, or may be susceptible to use in rs which are subject to the ebb and flow of the tide. erstate wetlands <sup>1</sup> . lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. If in (1) – (4) above.  ters of the US, except for those wetlands adjacent to other wetlands.
Ratio	onale for the Basis of Jurisdictional De	eterminati	on (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in the Gulf Intracoastal Waterway.

**FILE NUMBER:** 13639(06) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: Plans other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

<b>DISTRICT OFFICE:</b> CESWO FILE NUMBER: 11176(02)

	NUMBER: 11176(02)	
Sta Co Ce Ap Na	ect Location information:  ate: Texas  bunty: Brazoria  enter coordinates of site (latitude/longitude):  opproximate size of area (parcel) reviewed, including  ume of nearest waterway: Brazos River  ume of watershed: Brazos River	UTM15, 262476E, 3210706N ng uplands: 20 acres.
	DICTIONAL DETERMINATION ompleted: Desktop determination Site visit(s)	Date: 6 January 2005 Date(s):
Jui	risdictional Determination (JD):	
	Preliminary JD - Based on available informatio United States" and/or "navigable waters of the (Reference 33 CFR part 331).	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an appealable Check all that apply:	e action (Reference 33 CFR part 331).
	There are "navigable waters of the United S the reviewed area. Approximate size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within stional area:
	There are "waters of the United States" (as reviewed area. Approximate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the lal area:
	There are "isolated, non-navigable, intra-sta Decision supported by SWA Jurisdiction.	ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (	OF JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "n: The presence of waters that are subject to the ebithe past, or may be susceptible for use to transport	and flow of the tide and/or are presently used, or have been used in
B.	interstate or foreign commerce, including all wat (2) The presence of interstate waters including in	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide
	sandflats, wetlands, sloughs, prairie potholes, we	et takes, fivels, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The approach and discharge channels are confluent with the Brazos River, a navigable water.

FILE NUMBER: 11176(02)

La	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
	Ordinary High Water Mark indicated by:  High Tide Line indicated by:	
	clear, natural line impressed on the bank oil or scum line along shore objects	
	the presence of litter and debris fine shell or debris deposits (foreshore)	
	changes in the character of soil physical markings/characteristics	
	destruction of terrestrial vegetation tidal gages	
	shelving other:	
	other:	
	oller.	
	No. 17 LW. Add Co. 1	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.	
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
	Blanton and Associates	
Bas	s For Not Asserting Jurisdiction:	
1000	The reviewed area consists entirely of uplands.	
, reado.		
-1 - A	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
Ø.	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the	
***************************************	United States:	
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or	
	rice growing.	
	Artificial reflecting or swimming pools or other small ornamental bodies of water created	
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
		_
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land	tor
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is	
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CF	R
	328.3(a).	
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	
	The converce copiand, as determined by the Natural Resources Conservation Service. Explain failulate.	
	Non-tidal designation designation distallar assessment of the designation of the section of the	
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	Other (explain):	
DATA F	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):	
	Maps, plans, plots or plat submitted by or on behalf of the applicant.	
<b>X</b>	Data sheets prepared/submitted by or on behalf of the applicant.	
	Data sheets prepared submitted by 01 on behalf of the applicant.	
	This office concurs with the delineation report, dated December 2004, prepared by (company): BlantonAssociate	S
	This office does not concur with the delineation report, dated , prepared by (company):	
Sec.	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
7.8	U.S. Geological Survey Hydrologic Atlas:	
30		
2.3	J.S. Geological Survey 7.5 Minute Topographic maps: Lake Jackson	
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Survey:	
10.000	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
-20.00 -787.0		
	FEMA/FIRM maps (Map Name & Date): 48039C0615H&620H	
	00-year Floodplain Elevation is: (NGVD)	
· · · · · · · · · · · · · · · · · · ·	Aerial Photographs (Name & Date):	
13	Other photographs (Date): Site Photos (December 2004)	
	Advanced Identification Wetland maps:	
.00 (cm)	Site visit/determination conducted on:	
-1		
	Applicable/supporting case law:	
	Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-17332

PROJECT	LC	CAT	ION	INF	ORM	ATION:
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State:

Texas

County:

Calhoun

Center coordinates of site (latitude/longitude):

UTM 14 751811E 3147755N (NAD27) USGS Port O'Connor Quad

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Gulf Intracoastal Waterway Name of watershed: Gulf Intracoastal Waterway

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6-3-05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (ot) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wettands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project appears not to be located in waters of the United States.

FILE NUMBER: D-17332

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply:  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date): 6-3-05  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23758

PR	O	JF	C	T	L	n	C	Δ	T	ľ	)!	V	П	v	F	n	R	۸	4	Δ	TI	O	N	

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29° 22' 47" N, 94° 48' 13' W

Approximate size of area (parcel) reviewed, including uplands: 18.03 acres.

Name of nearest waterway: Galveston Bay

Name of watershed: Huc Code 12040204, West Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 1 June 2005
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 18.03 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: This project is proposed 1348' from the Houston Ship Channel a federally maintained navigation project. The area is subject to the ebb and flow of the tide and is a navigable water of the United States.

**FILE NUMBER: 23758** 

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
DATA I 図 図 図 図 図 図 図 図 図 図 図 図 図	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Bolivar Texas Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Bolivar Texas Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

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<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 14392(05)/1963

PR	റ	JF.	CT	I.	OC A	TIO	N	INFO	ORN	Λ Δ	TION:	

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29° 08' 16" N, 95° 03' 49" W

Approximate size of area (parcel) reviewed, including uplands: 0.034 acres.

Name of nearest waterway: West Galveston Bay

Name of watershed: Huc Code; 12040204, West Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 1 June 2005
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the or "waters of the or "waters").
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.034 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Pula Information Shoot for Determining Shoot for Determinin

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: West Galveton Bay is a navigable body of water, contiguous with the Gulf of Mexico and subject to the ebb and flow of the tides. Therefore this is a water of the United States subject to USACE jurisdiction.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

FILE NUMBER: 14392(05)/1963

	clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore)							
	changes in the character of soil physical markings/characteristics							
	destruction of terrestrial vegetation							
	other:							
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.							
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:							
Bas	is For Not Asserting Jurisdiction:							
	The reviewed area consists entirely of uplands.							
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).							
占	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the							
<b>******</b>	United States:							
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.							
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.							
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or							
	rice growing.							
	Artificial reflecting or swimming pools or other small ornamental bodies of water created							
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.							
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is							
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).							
	Isolated, intrastate wetland with no nexus to interstate commerce.							
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:							
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>							
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):							
×	Maps, plans, plots or plat submitted by or on behalf of the applicant.							
	Data sheets prepared/submitted by or on behalf of the applicant.							
	☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company):							
	Data sheets prepared by the Corps.							
	Corps' navigable waters' studies:							
	U.S. Geological Survey Hydrologic Atlas:							
<b>≥</b>	U.S. Geological Survey 7.5 Minute Topographic maps: Sea Isle, Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles:							
đ	U.S. Geological Survey 15 Minute Historic quadrangles:							
	USDA Natural Resources Conservation Service Soil Survey:							
	National wetlands inventory maps: Sea Isle, Texas Quadrangl							
H	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):							
ð	100-year Floodplain Elevation is: (NGVD)							
7 13 2 2	Aerial Photographs (Name & Date):							
	Other photographs (Date):							
	Advanced Identification Wetland maps: Site visit/determination conducted on:							
固	Applicable/supporting case law:							
Ø	Other information (please specify): DA Permit 23527 was the original permit issued for a structure on this site.							

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-16761

#### PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude):

28 57' 45" N, 95 16' 31" W

Approximate size of area (parcel) reviewed, including uplands: 0.08 acres.

Name of nearest waterway: Swan Lake Name of watershed: Austin Oyster

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date(s): 27 May 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_\_\_ there appear to be (or) \_\_\_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.08 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.08 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

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- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
    - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
    - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
    - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
    - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands located on the property are contiguous with Swan Lake, which is subject to the daily tide of the Gulf Intracoastal Waterway (GIWW), a navigable water of the United States.

FILE NUMBER: D-16761

	Cordinary High Water Mark indicated by:
8	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types.
£.,	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1974 Freeport  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. As Geological Survey 15 Minute Historic quadrangles:  U.S. As Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Histor

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: I-5165** 

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29 07' 21"N, 95 04' 32"

Approximate size of area (parcel) reviewed, including uplands: 0.16 acres. Name of nearest waterway: West Bay

Name of watershed:

West Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 27 May 2005

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the or the content of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area,

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 1-5165

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service, Explain rationales.
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: San Luis Pass 1974  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: 1988 Galveston County  National wetlands inventory maps: San Luis Pass (digital-based on 1992 photo)  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995 San Luis Pass DOQQ; TxGLO March 2003 digital image Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 27 May 2005  Applicable/supporting case law:
Z	Site visit/determination conducted on: 27 May 2005

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-16311

### PROJECT LOCATION INFORMATION:

State:

ΤX

County:

Jefferson

Center coordinates of site (latitude/longitude):

29° 45' 37"N, 93° 55' 10"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Port Arthur Ship Channel

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 06/01/05

Date(s): 02/18 & 03/04/05

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_\_\_ there appear to be (or) \_\_\_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Port Arthur Ship Channel is a navigable water of the US subject to the daily tide and the wetlands are adjacent to it.

FILE NUMBER: D-16311

Late	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 an Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vego	etation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland deline Benchmark Environmental Services	ation map and/or in a delineation report prepared by:
	the purpose of obtaining fill, sand, or gravel unless and	3 CFR part 328.3(a)(3). owing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. Id if the irrigation ceased. Idiking dry land to collect and arposes as stock watering, irrigation, settling basins, or ornamental bodies of water created reprimarily aesthetic reasons. It construction activity and pits excavated in dry land for until the construction or excavation operation is estinition of waters of the United States found at 33 CFR
. [	Non-tidal drainage or irrigation ditches excavated on d Other (explain):	y land. Explain rationale:
DATA RE  M D D D D D D D D D D D D D D D D D D	VIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applicate sheets prepared/submitted by or on behalf of the applicate of this office concurs with the delineation report, dated Aprilliant This office does not concur with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office does not concur with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office does not concur with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office does not concur with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office does not concur with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office does not concur with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office concurs with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office concurs with the delineation report, dated Aprilliant asheets prepared by the Corps.  This office concurs with the delineation report, dated Aprilliant asheets prepared by and delineation report, dated April	icant 2005, prepared by (company): Benchmark

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DI	ST	RIC	CT	OFI	T	CE:	Gal	veston	Distric	ct
FH	JF.	NI	IM	RER	٠.	SW	$G_{-}0^{4}$	5_27_0d	n <b>?</b>	

1	PΩ	റ	TE	CT	T	$   \Delta C A $	TI	AN	INITIO	DM	TION:
J	Гĸ	.,	JF.		1.	L /L . A			AIN PU	) K (V) /	A I II JIN:

State:

Texas

County:

Orange and Jefferson Center coordinates of site (latitude/longitude):

29-47-46 / 94-1-5

Approximate size of area (parcel) reviewed, including uplands: 115 acres.

Name of nearest waterway: GIWW

Name of watershed:

Sabine-Neches River Waterway

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 6-3-05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 115 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 115 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-27-002

	dinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objutine shell or debris deposits (for physical markings/characteristic tidal gages other:	eshore)
	ean High Water Mark indicated by:   survey to available datum;  physical markings;		
<b>E</b> We	etland boundaries, as shown on the attached wetland	l delineation map and/or in a delineation report	prepared by:
The Un	Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavatin retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain water-filled depressions created in dry land into the purpose of obtaining fill, sand, or gravel un abandoned and the resulting body of water mee 328.3(a).  Isolated, intrastate wetland with no nexus to interest and ponds are resulted.	asis of 33 CFR part 328.3(a)(3). It the following waters present on the site are not ponds or lagoons, pursuant to 33 CFR part 328.3 to upland if the irrigation ceased. If and/or diking dry land to collect and resuch purposes as stock watering, irrigation, set ar small ornamental bodies of water created water for primarily aesthetic reasons. It is included to construction activity and pits excavate less and until the construction or excavation opers the definition of waters of the United States of the united States of the United Resources Conservation Service. Explain	tling basins, or ted in dry land for eration is found at 33 CFR
Ma Dat Dat Cor U.S U.S U.S Vat Stat FEI 100 Aer Oth Adv Site App	IEWED FOR JURSIDICTIONAL DETERMINATION, ps, plans, plots or plat submitted by or on behalf of the states prepared/submitted by or on behalf of the states prepared/submitted by or on behalf of the states of the concur with the delineation report, dath This office does not concur with the delineation restates prepared by the Corps.  This office does not concur with the delineation restates prepared by the Corps.  This office does not concur with the delineation restates prepared by the Corps.  This office does not concur with the delineation restates prepared by the Corps.  This office does not concur with the delineation restates prepared by the Corps.  This office does not concur with the delineation report, dath and the delineation report, dath and the delineation for place with the delineation report, dath and the delineation folicase specify):  This office does not concur with the delineation report, dath and the delineation report with the delineation report, dath and the delineation report with the delineation report, dath and the delineation report with the delineation report, dath and the delineation report with the delineation report, dath and the delineation re	the applicant. applicant. applicant. ed , prepared by (company): port, dated , prepared by (company):  es: es:	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23809

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Sta		Texas					
	unty:	Calhoun					
				/longitude):		UTM 14 735785E 3168071N (N.	AD27) USGS Port Lavaca East
				reviewed, inclu	uding	uplands: acres.	
			vay: Lavaca	-		·	
Nai	me of wate	ershed:	Lavaca Ba	ay			
JURISI	DICTION	AL DETE	ERMINAT	ION			
			determinat			Date: 26 May 2005	
	-	Site visit		ion 🙎		Date(s):	
		5110 (1510	(0)	*****		<b>Date</b> (8).	
Jur	isdictiona	ıl Determi	ination (JD	<b>)</b> ):			
-940° 1940	Prelimin	ary JD - B	ased on av	ailable informa	ation.	there appear to be (or) $\prod$ the	re appear to be no "waters of the
Marcon of							preliminary JD is not appealable
			R part 331).			1 3	,
1521	<b>A</b>	4 IID 4		VID :	1.1.1.		•
X				is an appear	liable	action (Reference 33 CFR part 33	1).
	Check al	l that appl	у.	•			
	M There	e <i>are</i> "nav	igable wate	rs of the United	ed Star	es" (as defined by 33 CFR part 3	29 and associated guidance) within
				ate size of juris			B
	********			-			
						fined by 33 CFR part 328 and ass	ociated guidance) within the
	reviewed	area. Ap	proximate s	size of jurisdict	ctional	area: .	
	There	e are "isol	ated, non-n	avigable, intra	a-stat	waters or wetlands" within the re	eviewed area.
	*******	28					tion Sheet for Determination of N
		V	Jurisdictio				
D + 676 4							
				ERMINATION			
A.	The prese	reilnea ni	ider 33 CF	K part 329 as	s may	igable waters of the United Stat	es':
							sently used, or have been used in
	the past,	or may be	susceptible	or use to tran	nspor	interstate or foreign commerce.	
В.	Waters o	defined ur	ider 33 CF	'R part 328.3(2	(a) as	"waters of the United States":	
						ed, or were used in the past, or ma	ay be susceptible to use in
						rs which are subject to the ebb and	
	(2) The p	resence of	interstate	waters includin	ng int	erstate wetlands <sup>1</sup> .	
22.1	(3) The p	resence of	other wate	rs such as intra	astate	lakes, rivers, streams (including i	ntermittent streams), mudflats,
	sandflats	, wetlands.	, sloughs, p	rairie potholes,	s, wet	meadows, playa lakes, or natural	ponds, the use, degradation or
	destruction	on of whic	h could affe	ect interstate co	omme	erce including any such waters (ch	neck all that apply):
						foreign travelers for recreational	
						e taken and sold in interstate or fo	
						purposes by industries in interstat	e commerce.
<u> 6</u>						waters of the US.	
					nume	l in (1) – (4) above.	
202			territorial		h a=	tama of the IIC over	
ALC: NO	(/) the p	resence of	wettanus a	aujacent to othe	ici wa	iers of the OS, except for those w	etlands adjacent to other wetlands.

La	Coordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Diagram of the presence of litter and debris   Diagram of the character of soil   Diagram of the character of soil   Diagram of the character of soil   Diagram of the character of the chara
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
2	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 1.5 Minute Historic quadrangles:  U.S. Geological Survey 1.5 Minute Historic quadrangles:
200 200 200 200 200	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	ICT OFFICE: CESWG IUMBER: SWG-05-07-018
Stat Cou Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Harris nter coordinates of site (latitude/longitude): 29° 49' 02"N, 95° 44' 28"W (NAD27) proximate size of area (parcel) reviewed, including uplands: acre. me of nearest waterway: South Mayde Creek me of watershed: Buffalo-San Jacinto
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
2	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
9.5 V	<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in South Mayde Creek. South Mayde Creek flows into Buffalo Bayou. Buffalo Bayou becomes part of the Houston Ship Channel, a navigable water of the United States.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

La	teral E	xtent of Jurisdiction: (Reference: 33 CFR parts 32)	8 and 3	29)	SWG-05-07-018
	Ordin	nary High Water Mark indicated by:		High	Tide Line indicated by:
		clear, natural line impressed on the bank			oil or scum line along shore objects
		the presence of litter and debris			fine shell or debris deposits (foreshore)
		changes in the character of soil		$\overline{\Box}$	physical markings/characteristics
		destruction of terrestrial vegetation		而	tidal gages
		shelving		Ħ	Applicant supplied information.
		other: Applicant supplied information		_	
37	Mean	High Water Mark indicated by:			
	∐ su	rvey to available datum; physical markings;	vegetat	ion l	lines/changes in vegetation types.
77 75 5 11 2 8	Wetla	and boundaries, as shown on the attached wetland de	lineatio	n m	ap and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:			
		eviewed area consists entirely of uplands.			
977		le to confirm the presence of waters in 33 CFR part 3	328(a)(1	1, 2,	or 4-7).
	Headq	quarters declined to approve jurisdiction on the basis	of 33 (	CFR	part 328.3(a)(3).
	The C	orps has made a case-specific determination that the	follow	ing	waters present on the site are not Waters of the
	United	d States:		8	waste present on the site at the Waters of the
		Waste treatment systems, including treatment pond	ds or la	goon	is, pursuant to 33 CFR part 328 3
		Artificially irrigated areas, which would revert to u	ipland i	f the	irrigation ceased.
		Artificial lakes and ponds created by excavating an	nd/or di	king	dry land to collect and
		retain water and which are used exclusively for suc	ch purp	oses	as stock watering, irrigation, settling basins or
	_	rice growing.			
		Artificial reflecting or swimming pools or other sm	nall orn	amei	ntal bodies of water created
	_	by excavating and/or diking dry land to retain wate	er for pr	imaı	rily aesthetic reasons.
		Water-filled depressions created in dry land incider	ntal to o	cons	truction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless	and un	til th	ne construction or excavation operation is
		abandoned and the resulting body of water meets the	he defin	itio	n of waters of the United States found at 33 CFR
	_	328.3(a).			
	Ц	Isolated, intrastate wetland with no nexus to interst	ate con	ımer	rce.
	Ц	Prior converted cropland, as determined by the Nat	tural Re	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated of	on dry l	and.	Explain rationale:
	Ц	Other (explain):			
DATA R	EVIEV	WED FOR JURSIDICTIONAL DETERMINATION	ON (m	ark	all that apply):
2	Maps,	plans, plots or plat submitted by or on behalf of the	applica	nt.	app.y/.
	Data sh	heets prepared/submitted by or on behalf of the appli	icant.		
	∐ Th	is office concurs with the delineation report, dated			, prepared by (company):
	☐ Th	is office does not concur with the delineation report,	. dated		, prepared by (company):
6 mi Cont.	Data sh	neets prepared by the Corps.	•		
<u></u>		navigable waters' studies:			
		eological Survey Hydrologic Atlas:			
	U.S. G	eological Survey 7.5 Minute Topographic maps:			
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			
	U.S. G	eological Survey 15 Minute Historic quadrangles:			
. 300 940*1	USDA	Natural Resources Conservation Service Soil Survey	y:		
		al wetlands inventory maps:			
(* 9)		ocal wetland inventory maps:			
21000		FIRM maps (Map Name & Date):			
i	100-yea	ar Floodplain Elevation is: (NGVD)			
		Photographs (Name & Date):			
	Other p	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
200	Site vis	it/determination conducted on: Galveston District Co	ompliar	ice S	Section made a jurisdictional determination
(D-13994	) on the	proposed project location.			
		able/supporting case law:			
		nformation (please specify):			
-		7 1 · · · · · · · · · · · · · · · · · ·			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 23457(01)** 

rruject lucation infurmation	CT LOCATION INFORMA	TION:
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State:

Texas

Chambers

County:

Center coordinates of site (latitude/longitude):

Lat: 29.38.8 Long: 94.46.13

Approximate size of area (parcel) reviewed, including uplands: 4 State Tracts acres.

Name of nearest waterway: Trinity Bay Name of watershed: Trinity Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 2 June 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary ID - Based on available information, I there appear to be (or) I there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 **FILE NUMBER: 23457(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps:

shelving

other:

United States:

328.3(a).

FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is:

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Aerial Photographs (Name & Date):

Other photographs (Date):

П

П

(NGVD)

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** 

FILE	NUMBER:	23818	

State:

PROJECT LOCATION INFORMATION: Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

Lat: 29.38.8 Long: 94.46.13

Approximate size of area (parcel) reviewed, including uplands: 4 State Tracts acres.

Name of nearest waterway: Trinity Bay Name of watershed: Trinity Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2 June 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Sec.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
हुन इ.र	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. According the Historic service of the Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG	
FILE NUMBER: SWG-05-39-004	ŀ

PROJECT LOCATION INFORMATION: State: Texas County: Galveston Center coordinates of site (latitude/longitude): 29° 27' 44"N, 95° 05' 23"W (NAD27) Approximate size of area (parcel) reviewed, including uplands: acre. Name of nearest waterway: Magnolia Bayou Name of watershed: North Galveston Bay
JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: 02 June 2005 Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.2 acre.
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.  (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
(7) The presence of wenaits adjacent to other waters of the 03, except for those wenaits adjacent to other wenaits.
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is

located in an unnamed tributary of Magnolia Bayou. Magnolia Bayou is a tributary of Dickinson Bayou, a tidally influenced tributary of Galveston Bay.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 32)		SWG-05-39-004
23		High Tide Line indicate	d by:
	clear, natural line impressed on the bank	oil or scum line ale	ong shore objects
	the presence of litter and debris	fine shell or debris	s deposits (foreshore)
	changes in the character of soil	physical markings.	
	destruction of terrestrial vegetation	tidal gages	
	shelving	Applicant supplied	information.
	<ul> <li>☐ destruction of terrestrial vegetation</li> <li>☐ shelving</li> <li>☑ other: Applicant supplied information</li> </ul>		
	Mean High Water Mark indicated by:		
	survey to available datum; physical markings;	vegetation lines/changes in veg	getation types.
23.	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delin	eation report prepared by:
Bas	sis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.		
	Unable to confirm the presence of waters in 33 CFR part 3	328(a)(1, 2, or 4-7).	
	Headquarters declined to approve jurisdiction on the basis	of 33 CFR part 328.3(a)(3).	
	The Corps has made a case-specific determination that the	following waters present on the	he site are not Waters of the
	United States:	2	
	Waste treatment systems, including treatment pone	ds or lagoons, pursuant to 33 C	FR part 328.3.
	Artificially irrigated areas, which would revert to	upland if the irrigation ceased.	•
	Artificial lakes and ponds created by excavating a	nd/or diking dry land to collect	and and
	retain water and which are used exclusively for su	ch purposes as stock watering,	irrigation, settling basins, or
	rice growing.		
	Artificial reflecting or swimming pools or other sn	nall ornamental bodies of water	r created
	by excavating and/or diking dry land to retain water		
	Water-filled depressions created in dry land incide	ntal to construction activity and	d pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless	and until the construction or e	xcavation operation is
	abandoned and the resulting body of water meets t	he definition of waters of the U	Inited States found at 33 CFR
	328.3(a).		
	Isolated, intrastate wetland with no nexus to interst		Pamilao Eumlain satismala.
	Prior converted cropland, as determined by the Na Non-tidal drainage or irrigation ditches excavated	on dry land Explain rationals	service. Explain rationale:
	Other (explain):	on dry fand. Explain fationale:	
	Company.		
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATI	ON (mark all that apply):	
	Maps, plans, plots or plat submitted by or on behalf of the		
	Data sheets prepared/submitted by or on behalf of the appl	icant.	
	This office concurs with the delineation report, dated	, prepared by (com	pany):
	This office does not concur with the delineation report	, dated, prepared b	y (company):
	Data sheets prepared by the Corps.		
	Corps' navigable waters' studies:		
536.	U.S. Geological Survey Hydrologic Atlas:		
	U.S. Geological Survey 7.5 Minute Topographic maps:		
Single Single	U.S. Geological Survey 7.5 Minute Historic quadrangles:		
	U.S. Geological Survey 15 Minute Historic quadrangles:		
	USDA Natural Resources Conservation Service Soil Surve National wetlands inventory maps:	<b>y</b> :	
**************************************			
1.0	State/Local wetland inventory maps:		
4. hos	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)		
With his	Aerial Photographs (Name & Date):		
eserción :	Other photographs (Date):		
54. 57	Advanced Identification Wetland maps:		
	Site visit/determination conducted on: Galveston District C	omnliance Section conducted	a site visit on 21 October 2004
	mined the unnamed tributary to Magnolia Bayou was jurisd	ictional under Section 404 of #	he Clean Water Act
	Applicable/supporting case law:	ichonai unuci secuon 404 01 li	ne cican water Act.
	Other information (please specify):		
5.00A	(Promo apour)		

and

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG UMBER: SWG-05-07-019		
Stat Cou Cen App Nar	ct Location information: te: Texas inty: Galveston ter coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed, i ne of nearest waterway: Magnolia Bayou ne of watershed: North Galveston Bay		
	nctional determination npleted: Desktop determination Site visit(s)	X O	Date: 02 June 2005 Date(s):
Jur	isdictional Determination (JD):		
2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			, there appear to be (or) there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable
8	Approved JD – An approved JD is an ap Check all that apply:	pealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the U the reviewed area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "waters of the United State reviewed area. Approximate size of juris		lefined by 33 CFR part 328 and associated guidance) within the al area:
			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
	OF JURISDICTIONAL DETERMINATE Waters defined under 33 CFR part 32. The presence of waters that are subject to the past, or may be susceptible for use to	9 as "na the ebb	and flow of the tide and/or are presently used, or have been used in
В.	interstate or foreign commerce, including (2) The presence of interstate waters incl (3) The presence of other waters such as sandflats, wetlands, sloughs, prairie poth destruction of which could affect intersta  (i) which are or could be used by int (ii) from which fish or shellfish are of (iii) which are or could be used for it (4) Impoundments of waters otherwise do (5) The presence of a tributary to a water	rrently ug all wate uding in intrastate coles, we te commerstate corrected and ustrial after the conformation and ustrial after the collection as the collection and ustrial as the collection as the collection and ustrial as the collection as the	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
8 S	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent<sup>2</sup> to</li> </ul>	other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in Magnolia Bayou and an unnamed tributary of Magnolia Bayou. Magnolia Bayou is a tributary of Dickinson Bayou, a tidally influenced tributary of Galveston Bay.

La	teral Extent o	f Jurisdiction: (Refer	ence: 33 CFR parts 32		
		gh Water Mark indicat		Hig	gh Tide Line indicated by:
	☐ clear, n	atural line impressed of	n the bank		oil or scum line along shore objects
		sence of litter and debr			fine shell or debris deposits (foreshore)
	change	s in the character of so	il .		physical markings/characteristics
		tion of terrestrial veget	ation		tidal gages
	shelvin				Applicant supplied information.
	other: A	Applicant supplied info	rmation		
5.0	Mean High V	Vater Mark indicated b	y:		
	survey to	available datum; 🔲 j	hysical markings; 🔲	vegetation	n lines/changes in vegetation types.
Eng.					map and/or in a delineation report prepared by:
Ba	sis For Not As The reviewed	serting Jurisdiction: area consists entirely	of unlands		
ā	Unable to cor	nfirm the presence of w	or uplands. raters in 33 CFR part 3	328(a)(1-2	2 or 4-7)
Conses Serve	Headquarters	declined to approve ju	risdiction on the basis	of 33 CFI	R nart 328 3/a)/3)
	The Corps ha	s made a case-specific	determination that the	following	g waters present on the site are not Waters of the
	United States	:			
	☐ Waste	treatment systems, in	cluding treatment pon-	ds or lagoo	ons, pursuant to 33 CFR part 328.3.
	☐ Artific	cially irrigated areas, v	thich would revert to t	upland if th	he irrigation ceased
	Artino	hal lakes and ponds cr	eated by excavating a	nd/or dikin	ng dry land to collect and
	reiain rice o	water and which are u	sed exclusively for su	ch purpose	es as stock watering, irrigation, settling basins, or
		owing.	ming nools or other an		ental bodies of water created
		avating and/or diking	dry land to retain wate	nam orname	ental bodies of water created arily aesthetic reasons.
	☐ Water	-filled depressions cre	ated in dry land incide	ntal to con	sarry aesthetic reasons.  Astruction activity and pits excavated in dry land for
		rpose of obtaining fill.	sand, or gravel unless	and until	the construction or excavation operation is
	aband	oned and the resulting	body of water meets t	he definitio	on of waters of the United States found at 33 CFR
	328.3(	a).			on of waters of the officed states found at 55 CFR
	☐ Isolate	ed, intrastate wetland w	ith no nexus to interst	ate comme	erce.
	☐ Prior o	converted cropland, as	determined by the Nat	tural Resou	urces Conservation Service. Explain rationale:
	☐ Non-ti	dai drainage or irrigati	on ditches excavated	on dry land	d. Explain rationale:
	U Other	(explain):			
DATEAD	EXTENSION O	OD HIDGIDICATOR	. • • • • • • • • • • • • • • • • • • •		
DAIA	Mans plans n	OR JURSIDICTION	AL DETERMINATI	ON (marl	k all that apply):
	Data cheete pr	lots or plat submitted by	by or on behalf of the	applicant.	
	This office	epared/submitted by or e concurs with the deli	on benail of the appli		11 /
	☐ This office	e does not concur with	the delineation report	dotod	_ prepared by (company):
4	Data sheets pro	epared by the Corps.	me defineation report	, dated	, prepared by (company):
		ole waters' studies:			
		al Survey Hydrologic	Atlas:		
泰	U.S. Geologica	al Survey 7.5 Minute T	opographic maps:		
4.4	U.S. Geologica	al Survey 7.5 Minute I	listoric quadrangles:		
	U.S. Geologica	al Survey 15 Minute H	istoric quadrangles:		
10.000m	<b>USDA</b> Natural	Resources Conservati	on Service Soil Surve	y:	
A	National wetlas	nds inventory maps:	•	•	
	State/Local we	tland inventory maps:			
	FEMA/FIRM 1	naps (Map Name & D			
	100-year Flood	lplain Elevation is:	(NGVD)		
		aphs (Name & Date):			
	Other photogra				
50 S	Advanced Iden	tification Wetland map	os:		
and data-	one visit/deterr	mination conducted on	Galveston District Co	ompliance	Section conducted a site visit on 21 October 2004
and deteri	mned the bayor	u was jurisdictional un porting case law:	aer Section 404 of the	Clean Wa	ater Act.
		porting case law: ion (please specify):			
	omor miorniati	on (picase specify):			

and

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG UMBER: 23817
Stat Cou Cen App Nan	ct Location information: e: Texas inty: Trinity ter coordinates of site (latitude/longitude): 30° 56′ 54″N, 95° 19′ 06″W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	ICTIONAL DETERMINATION  npleted: Desktop determination
Juri	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
M	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging for the boat slip is located within Lake Livingston, a navigable reservoir on the Trinity River.

L	ateral I	Extent of J	furisdiction: (	Reference: 33 CF				817
	Ordi	inary High	Water Mark is	ndicated by:		Higi	h Tide Line indicated by:	
	닏			ssed on the bank			oil or scum line along shor	re objects
	╚		nce of litter and				fine shell or debris deposit	
	Ш		n the character			$\Box$	physical markings/characte	
		destruction	n of terrestrial	vegetation		一一	tidal gages	*********
		shelving				Ħ	other:	
	$\overline{\boxtimes}$		plicant supplie	ed plans, 131 elev	ration.	О	outer.	
r.	Mean	n High Wa	ter Mark indic	ated by:				
	S₁ 	survey to av	railable datum	;	rkings;    vege	tation	lines/changes in vegetation	types.
	Wetl	land bound The Galve	aries, as shows ston District	n on the attached Compliance Sect	wetland delines	ation m	ap and/or in a delineation re	eport prepared by:
В	asis For	r Not Asse	rting Jurisdic	tion: tirely of uplands.				
	Unah	ole to confi	.ca consists en	urely of uplands.	CED 4 220/	\/1 <b>a</b>	4 =	
300	Head	lanorters de	alined to one	ce of waters in 33	CFK part 328(a	1)(1, 2,	or 4-7).	
	That	Come bee	cinied to appr	ove jurisdiction of	on the basis of 3	3 CFR	part 328.3(a)(3).	
	Linite	ed States:	nade a case-sp	ecilic determinat	ion that the foll	owing	waters present on the site ar	re not Waters of the
			eatment eveta	ma inaludina tua		1	22 077	
		Artificia	ully irrigated a	ns, menuang tres	tunent ponds or	lagooi	ns, pursuant to 33 CFR part e irrigation ceased.	328.3.
		Artificia	il lakes and no	nds created by av	revert to uptar	ici II tne	e irrigation ceased.  g dry land to collect and	
		retain w	ater and which	nus created by ex	cavating and/or	aiking	g dry land to collect and	
		rice grov	vino	are used exclusi	very for such pu	irposes	as stock watering, irrigation	n, settling basins, or
				swimming poole	or other small a		ntal bodies of water created	
	_	by excay	/ating and/or d	liking dry land to	retain water for	n name	rily aesthetic reasons.	
		Water-fi	lled depression	us created in dry	land incidental	pinna	truction activity and pits exe	
		the purp abandon	ose of obtaining ed and the rest	ig fill, sand, or gr	avel unless and	until t	he construction or excavation of waters of the United Sta	n operation is
	_	328.3(a)						ands round at 35 Cr K
		Isolated,	intrastate wet	land with no nexu	is to interstate o	omme	rce.	
		Prior cor	iverted croplar	nd, as determined	by the Natural	Resou	rces Conservation Service. I	Explain rationale:
		Non-tida	il drainage or i	rrigation ditches	excavated on dr	y land.	Explain rationale:	supram ranomaio.
		Other (ex	(plain):			•	•	
пата	DEVIE	WED FOI	o mineipie	PIONIAI DESCE	DAVIN'A MYON			
	Mans	nlane nlo	ts or plat subm	FIONAL DETEI nitted by or on bel	KMINATION (	(mark	all that apply):	
7.5	Data s	, piaiis, pio Sheets nren	is of plat submi	it by or on behalf	nam of the appli	cant.		
		his office o	oncure with th	e delineation rep	or the applicant			
	H H	his office o	oncurs with the	r with the delinea	ori, dated		, prepared by (company):	
***	Data s	theets nren	ared by the Co	me	mon report, date	·a	, prepared by (compa	iny):
- E - E - E - E - E - E - E - E - E - E			waters' studie					
	US G	Teological	Survey Hydrol	ionia Atlant				
	U.S. G	enlogical	Survey 7 5 Mi	nute Topographic				
- All	U.S. G	Peological	Survey 7.5 Mi	nute Historic qua	maps:			
Acceptance Control	U.S. G	Geological (	Survey 1.5 Min	nute Historic quad tute Historic quad	drangies:			
ĝ.	U.S. G	Motural D	on vey 15 lvill	ute Historic quad	irangles:			
- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	Notion	i ivaluiai K	s inventory ma	servation Service	Soil Survey:			
1990								
To a			ind inventory r					
1000 1000 611			ps (Map Name					
***			ain Elevation		")			
The state of the s			hs (Name & D	ate):				
7	Omer p	photograph	s (Date):	4				
			ication Wetlan					
700000 7000000 7000000			nation conduct					
***			rting case law:					
	Other i	ınformation	n (please speci:	fy):				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG UMBER: 16514(03)
Stat Cou Cen App Nar	ce: Texas unty: Jefferson ter coordinates of site (latitude/longitude): 29° 43′ 51″N, 93° 52′ 17″W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	ICTIONAL DETERMINATION  npleted: Desktop determination Date: 01 June 2005  Site visit(s) Date(s):
Jur	isdictional Determination (JD):
K1 *** 2	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
<b>5</b> 5	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4 acres.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in the Sabine Pass Channel, a navigable water of the United States.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and		16514(03)
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank	High	h Tide Line indicated by: oil or scum line along shore objects
	the presence of litter and debris	d	fine shell or debris deposits (foreshore)
	changes in the character of soil		physical markings/characteristics
	destruction of terrestrial vegetation		tidal gages
	shelving	Ш	other:
	other:		
M	_ ·		
	⊠ survey to available datum; ☐ physical markings; ☐ vegeta	ition	lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineat	ion m	nap and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)	(1.2	or 4-7)
7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Headquarters declined to approve jurisdiction on the basis of 33		
	The Corps has made a case-specific determination that the follo		
	United States:  Waste treatment systems, including treatment ponds or l	ลอดด <sub>"</sub>	ns. nursuant to 33 CFR part 328 3
	Artificially irrigated areas, which would revert to upland		
	Artificial lakes and ponds created by excavating and/or	ikinį	g dry land to collect and
	retain water and which are used exclusively for such pur rice growing.	poses	s as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other small or	name	ental bodies of water created
	by excavating and/or diking dry land to retain water for		
	Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and a abandoned and the resulting body of water meets the def	ıntil t	the construction or excavation operation is
	328.3(a).		
	Isolated, intrastate wetland with no nexus to interstate co		
	Prior converted cropland, as determined by the Natural F Non-tidal drainage or irrigation ditches excavated on dry		
	Other (explain):		Zapiani tanonao.
DATAR	REVIEWED FOR JURSIDICTIONAL DETERMINATION (		( all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.		
E732			_, prepared by (company):
	This office does not concur with the delineation report, date		, prepared by (company):
	Data sheets prepared by the Corps.		
	Corps' navigable waters' studies:		
- name	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps:		
7,000	U.S. Geological Survey 7.5 Minute Historic quadrangles:		
	U.S. Geological Survey 15 Minute Historic quadrangles:		
	USDA Natural Resources Conservation Service Soil Survey:		
2.3	National wetlands inventory maps: State/Local wetland inventory maps:		
	FEMA/FIRM maps (Map Name & Date):		
	100-year Floodplain Elevation is: (NGVD)		
###   12   12   12   12   12   12   12   12	Aerial Photographs (Name & Date):		
**************************************	Other photographs (Date):		
Sa	Advanced Identification Wetland maps: Site visit/determination conducted on:		
10 de	Applicable/supporting case law:		
ia.c	Other information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

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F	IT	Æ	N	IIM	BE	R:	238	15	

#### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29.35.17 Long: 95.11.14

Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Turkey Creek Name of watershed: Clear Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2 June 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, I there appear to be (or) I there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
or and	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  S. For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DAT <u>a</u> RI	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):  VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
I I I I I I I I I I I I I I I I I I I	Maps, plans, plots or plat submitted by or on behalf of the applicant.    Data sheets prepared/submitted by or on behalf of the applicant.     This office concurs with the delineation report, dated   , prepared by (company):     This office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office does not concur with the delineation report, dated   , prepared by (company):     It is office

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23812

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.47.24 Long: 95.04.10

Approximate size of area (parcel) reviewed, including uplands: 69 acres.

Name of nearest waterway: Old River Name of watershed: San Jacinto River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 Jun 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Latera O C C	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	B and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	lean High Water Mark indicated by:  ] survey to available datum;  physical markings;	
W W	etland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:
Th Un He Th	Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to u Artificial lakes and ponds created by excavating an retain water and which are used exclusively for suc rice growing.  Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain wate Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets th 328.3(a).  Isolated, intrastate wetland with no nexus to interstate	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the ls or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. d/or diking dry land to collect and h purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created r for primarily aesthetic reasons. Ital to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR atte commerce.
	Non-tidal drainage or irrigation ditches excavated o	ural Resources Conservation Service. Explain rationale: on dry land. Explain rationale:
Data Data Con U.S U.S U.S USI Nati FEM 100- Aeri Othe Adv Site Appi	IEWED FOR JURSIDICTIONAL DETERMINATION, ps, plans, plots or plat submitted by or on behalf of the applicate a sheets prepared/submitted by or on behalf of the application office concurs with the delineation report, dated. This office does not concur with the delineation report, as sheets prepared by the Corps.  This office does not concur with the delineation report, as sheets prepared by the Corps.  This office does not concur with the delineation report, as sheets prepared by the Corps.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report, dated.  This office does not concur with the delineation report,	applicant. cant. , prepared by (company): dated , prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	OT OFFICE: CESWG UMBER: SWG-05-06-005
State Cou Cent App Narr	ET LOCATION INFORMATION:  E: Texas and Louisiana  Inty: Cameron Parish, Louisiana and Jefferson County, Texas  Iter coordinates of site (latitude/longitude): 29° 37' 43"N, 93° 51' 40"W (NAD27)  Iroximate size of area (parcel) reviewed, including uplands:
	ICTIONAL DETERMINATION  Inpleted: Desktop determination
Jari	sdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
2	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 230,000 acres.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). Seismic survey takes place in the Gulf of Mexico, a navigable water of the United States.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
3	Mean High Water Mark indicated by:  ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quad

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17319

#### PROJECT LOCATION INFORMATION:

State:

Texas

Polk County:

Lat: 30,48.46 Long: 95.05.46

Approximate size of area (parcel) reviewed, including uplands: 0.029 acres.

Name of nearest waterway: Lake Livingston Trinity River Name of watershed:

Center coordinates of site (latitude/longitude):

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 June 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign comme
 (iii) which are or could be used for industrial purposes by industries in interstate commerce. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: D-17319 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-07-014** 

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.29.45 Long: 95.01.19

Approximate size of area (parcel) reviewed, including uplands: 0.01 acres.

Name of nearest waterway: Gum Bayou Name of watershed: Dickinson Bayou

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 31 May 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-07-014

	Tal Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil  I destruction of terrestrial vegetation shelving other:  This is a content of the character o
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Z /	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Phase One Technologies, LLC
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
M D D D C O D D O D D O D O D O D O D O D	VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  aps, plans, plots or plat submitted by or on behalf of the applicant.  ata sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by (company):  ata sh

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: SWG-05-39-002

# PROJECT LOCATION INFORMATION:

State:

Texas

County: Orange

Center coordinates of site (latitude/longitude):

Lat: 30.07.43 Long: 94.02.14

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Southeast Texas Wakeboard Lake

Name of watershed: Pine Island Gully

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Ž.

Date: 1 June 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**FILE NUMBER: SWG-05-39-002** 

Lat	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ veget  Wetland boundaries, as shown on the attached wetland delineat	
Bas	asis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)  Headquarters declined to approve jurisdiction on the basis of 33  The Corps has made a case-specific determination that the follo United States:  Waste treatment systems, including treatment ponds or lartificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purrice growing.  Artificial reflecting or swimming pools or other small on by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the def 328.3(a).  Isolated, intrastate wetland with no nexus to interstate company to the prior converted cropland, as determined by the Natural I	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. If if the irrigation ceased, diking dry land to collect and rposes as stock watering, irrigation, settling basins, or mamental bodies of water created primarily aesthetic reasons. It is construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR commerce.
	Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	•
	REVIEWED FOR JURSIDICTIONAL DETERMINATION ( Maps, plans, plots or plat submitted by or on behalf of the applic Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated This office does not concur with the delineation report, date Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps:	cant. , prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23810

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Matagorda

Center coordinates of site (latitude/longitude):

242178E 3184322N (NAD27) Sargent

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Gulf Intracoastal Waterway

Name of watershed: Gulf Intracoastal Waterway

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 26 May 05

Date(s):

#### Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation  clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages
	shelving
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrangles

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 23808** 

DD(	TECTI	OCATI	ION INFO	TRMA	TION:
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State:

**Texas** 

County:

Matagorda

Center coordinates of site (latitude/longitude):

247783E 3186958N (NAD27) Cedar Lakes West

acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Gulf Intracoastal Waterway Gulf Intracoastal Waterway Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 26 May 05

Date(s):

#### Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

L	ateral I	Extent of Jurisdiction: (Reference: 33 CFR parts 328	3 and 3	29)	TIME INCIDENT 250
\$	<u>Or</u> di	nary High Water Mark indicated by:			Tide Line indicated by:
		clear, natural line impressed on the bank	•	Ď	oil or scum line along shore objects
		the presence of litter and debris		Ħ	fine shell or debris deposits (foreshore)
		changes in the character of soil		Ħ	physical markings/characteristics
		destruction of terrestrial vegetation		Ħ	tidal gages
	$\sqcap$	shelving		Ħ	other: Plans
	♬	other:			ouler. Flans
	S1 	n High Water Mark indicated by: urvey to available datum;			
6 a2	Wetl	and boundaries, as shown on the attached wetland del	lineatio	n m	ap and/or in a delineation report prepared by:
Ba	The r Unab Head The C Unite	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 33 quarters declined to approve jurisdiction on the basis of the company of the confirmation of the basis of the company of the company of the confirmation of the basis of the company of the confirmation of the basis of the company of the confirmation of the company of the	of 33 C follow ls or lag pland i d/or dil th purpo	FR ing goon f the king oses	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. c irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small	all orna	amei	ntal bodies of water created
		by excavating and/or diking dry land to retain water	r for pr	imar	ily aesthetic reasons.
		Water-filled depressions created in dry land inciden the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a).	and uni	til th	te construction or excavation operation is
		Isolated, intrastate wetland with no nexus to intersta Prior converted cropland, as determined by the Natu	ate com ural Re	mer sour	ce. ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated or Other (explain):	n dry la	and.	Explain rationale:
	Maps, Data si Tr Data si Corps' U.S. G U.S. G U.S. G USDA Nations State/L FEMA 100-yes	wed for jursidictional determination plans, plots or plat submitted by or on behalf of the application of the concurs with the delineation report, dated his office concurs with the delineation report, dated his office does not concur with the delineation report, the determination of the concurs with the delineation report, the determination of the concurs with the delineation report, the determination of the concurs with the delineation report, the determination of the concurs of t	pplican cant. , p dated	it. rena	rted by (company):
	Other p Advance Site vis Applica	Photographs (Name & Date); shotographs (Date): ced Identification Wetland maps; cit/determination conducted on: able/supporting case law: information (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-07-014

PR	O.TE.	CT I	OCA	TION	INFORM	1ATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.29.45 Long: 95.01.19

Approximate size of area (parcel) reviewed, including uplands: 0.01 acres.

Name of nearest waterway: Gum Bayou Name of watershed: Dickinson Bayou

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 31 May 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-07-014

	al Extent of Jurisdiction: (Reference: 33 CFR partial redinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages
	shelving other:  ean High Water Mark indicated by:	other:
⊠ w		gs;  vegetation lines/changes in vegetation types.  and delineation map and/or in a delineation report prepared by:
The United States of the Unite	<ul> <li>waste treatment systems, including treatmer Artificially irrigated areas, which would reverse Artificial lakes and ponds created by excavaretain water and which are used exclusively rice growing.</li> <li>Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retain Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water m 328.3(a).</li> <li>Isolated, intrastate wetland with no nexus to</li> </ul>	e basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of the ent ponds or lagoons, pursuant to 33 CFR part 328.3. The ert to upland if the irrigation ceased. The ert to upland for such purposes as stock watering, irrigation, settling basins, or the small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is neets the definition of waters of the United States found at 33 CFR.
· [	Non-tidal drainage or irrigation ditches exca-	•
Da Da Co U.S U.S U.S Na Sta FE 100 Ae Ad Site App	TEWED FOR JURSIDICTIONAL DETERMI aps, plans, plots or plat submitted by or on behalf of the ta sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, of This office does not concur with the delineation ta sheets prepared by the Corps. This office does not concur with the delineation ta sheets prepared by the Corps. This office does not concur with the delineation ta sheets prepared by the Corps.  This office does not concur with the delineation ta sheets prepared by the Corps.  This office does not concur with the delineation ta sheets prepared by the Corps.  This office does not concur with the delineation ta sheets prepared by the Corps.  This office does not concur with the delineation at sheets prepared by the Corps.  This office does not concur with the delineation tenders in the delineation tenders.  This office does not concur with the delineation tenders in the delineation tenders.  This office does not concur with the delineation tenders in the delineation tenders.  This office does not concur with the delineation tenders in the delineation tenders.  This office does not concur with the delineation tenders in the delineation tenders.  This office does not concur with the delineation report, or an experience of the delineation tenders.  This office does not concur with the delineation report, or an experience of the delineation tenders.  This office does not concur with the delineation report, or an experience of the delineation report of the delineat	of the applicant. e applicant. dated , prepared by (company): report, dated , prepared by (company):  ps: egles: egles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: 23796** 

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

29.5684N: 94.5908W

Approximate size of area (parcel) reviewed, including uplands: 6 acres.

Name of nearest waterway: East Galveston Bay

Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 31 May 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, In there appear to be (or) In there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Clear, natural line impressed on the bank  Changes in the character of soil  Changes in the c
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Frozen Point, TX  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  JSDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  PEMA/FIRM maps (Map Name & Date):  O0-year Floodplain Elevation is: (NGVD)  Nerial Photographs (Name & Date):  Odvanced Identification Wetland maps:  Sittle visit/determination conducted on:  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23801

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Orange

Center coordinates of site (latitude/longitude):

Lat: 30.04.59 Long; 93.43.56

Approximate size of area (parcel) reviewed, including uplands: 2.08 acres.

Name of nearest waterway: Sabine River Name of watershed: Sabine River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Z

Date: 31 May 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

	rdinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	ean High Water Mark indicated by:  ] survey to available datum;   physical markings;   veget	ration lines/changes in vegetation types.
■ We	etland boundaries, as shown on the attached wetland delinear	tion map and/or in a delineation report prepared by:
The Una Hea	Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing.  Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deta 328.3(a).	CFR part 328.3(a)(3).  Sowing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3.  If if the irrigation ceased, diking dry land to collect and rposes as stock watering, irrigation, settling basins, or rnamental bodies of water created primarily aesthetic reasons, or construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR commerce.
	Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	y land. Explain rationale:
Map Data Data Corp U.S. U.S. U.S. U.S. V.S. Acria Othe Adva Site v Appl	TEWED FOR JURSIDICTIONAL DETERMINATION ( pps, plans, plots or plat submitted by or on behalf of the applicate a sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated  This office does not concur with the delineation report, dated  This office does not concur with the delineation report, date ta sheets prepared by the Corps.  pps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: DA Natural Resources Conservation Service Soil Survey: tional wetlands inventory maps: te/Local wetland inventory maps: te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): D-year Floodplain Elevation is: (NGVD) trial Photographs (Name & Date): ter photographs (Date): vanced Identification Wetland maps: te visit/determination conducted on: plicable/supporting case law: ter information (please specify):	cant. , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.